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09/766,271	01/18/2001	Stefaan Valere Albert Coussement	P4645	1707

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EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,271

Applicant(s)

ALBERT COUSSEMENT,
STEFAN VALERE

Examiner

J. Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Amendment for Application Number 09/766,271 received on 03 August 2004.
2. Claims 1-32 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1 and 17 recite the limitation "characterized in that a client using the client interface is enabled to access and alter communication center data, independently of the communications center and regardless of whether or not a live connection exists between the client device and the communications center". It is unclear to Examiner as to what is meant by this limitation. The beginning of this limitation recites "access and alter communication center data", which Examiner interprets as accessing the communication center to alter the communication center data. It only makes sense that in order to alter communication center data, one must access the communication center. The end of this limitation says "independently of the communications center and regardless of whether or not a live connection exists between the client device and the communications center", which Examiner interprets as whether or not the client is

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connected to the communications center. Examiner interprets these two limitations together as not being possible. In order to access and alter communication center data, a connection to the communication center must be present in order to access it and alter it. It is suggested by Examiner to clarify this limitation in order for Examiner to perform a proper search and consideration to the claim. It is requested by Examiner to point out in the specification where this limitation is presented, and where the terms "live interaction" and "live connection" are defined for further clarification. Examiner will interpret the limitations as accessing the communications center, retrieving the communications center data, and altering it.

Claims 2-18 and 18-32 are dependent on claims 1 and 17 and are therefore rejected as being unclear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al. (U.S. Patent Number 6,345,305), hereinafter referred to by Beck, in view of Pepe et al. (U.S. Patent Number 5,742,905) hereinafter referred to by Pepe.

5. Regarding claims 1 and 17, Beck discloses an application for enabling a client to interact with communication-center resources comprising:

a customer interaction server coupled to the communication center (Beck, col. 6, lines 57-59);

a network-capable appliance coupled to the interaction server (Beck, col. 6, lines 57-59);

at least one agent workstation in the communication center (Beck, col. 6, lines 20-25);

an interactive client interface component executing on a client device and operable by the client for posting client data and for receiving and displaying agent and interaction data from the communication center (Beck, col. 7, lines 20-26, Beck teaches a CINOS-agent desktop interface for clients to interact with the parent application);

a brokering component for managing client and communication center data and communication (Beck, col. 6, lines 57-65, Beck teaches a system for managing communications center and client interactions); and

a status monitoring and reporting component for monitoring, and reporting communication center and client status (Beck, col. 7, lines 13-17, Beck teaches a customer information-system to store and serve information relative to customers including status);

Beck does not disclose the application being characterized in that a client using the client interface is enabled to access and alter communication center data, independently of the communications center and regardless of whether or not a live connection exists between the client device and the communications center, and also to initiate live interaction with the communication center.

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In an analogous art to networking, Pepe discloses a system for personal communications internetworking wherein the user can modify his/her subscriber profile (Pepe, col. 6, lines 34-45)

Therefore, it would have been obvious to one in the ordinary skill in the art at the time of the invention to combine Beck with Pepe to provide a system allowing its users to control and integrate a plurality of messaging options by allowing users to access and edit user data located at the communication center (Pepe, col. 3, lines 18-43).

Claim 17 is rejected under the same prior used for claim 1 as claim 17 is substantially similar to claim 1.

6. Regarding claims 2 and 18, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 1 and 17, including wherein the components are distributed among computerized stations interconnected in a communication network (Beck, col. 6, lines 19-25).

7. Regarding claims 3 and 19, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 2 and 18, including wherein the communications network includes one or more of a data packet network (DPN) and a connection-oriented switched-telephony (COST) network (Beck, col. 5, lines 45-52, Beck teaches using COST calls, and data is transmitted as addressed packets).

8. Regarding claims 4 and 20, Beck and Pepe teach the limitations, substantially as

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claimed, as described in claims 3 and 19, including wherein the communications network further includes at least one local area network (LAN) (Beck, col. 6, lines 35-40).

9. Regarding claims 5 and 21, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 3 and 19, including wherein the (DPN) is the Internet network (Beck, col. 5, lines 40-43).

10. Regarding claims 6 and 22, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 1 and 17, including wherein communication and transfer of status information is accomplished using a presence protocol (Beck, col. 5, lines 44-62).

11. Regarding claims 7 and 23, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 6 and 22, including wherein the preference presence protocol used is compatible with the IMPP-IETF RFC 2778 protocol (Beck, col. 5, lines 44-62, Beck teaches using the Internet Protocol (IP)).

12. Regarding claims 8 and 24, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 1 and 17, including wherein the client data includes one or more of personal demographic data communication capability data, personal agenda data, and personal interest data (Pepe, col. 6, lines 34-45).

13. Regarding claims 9 and 25, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 1 and 17, including wherein the communication-center data includes one or more of interaction history records, product information, order-status information, and agent-availability information (Beck, col. 4, lines 2-35, col. 7, lines 15-16, Beck teaches storing transaction information as history records).

14. Regarding claims 10 and 26, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 1 and 17, including wherein the communication center status includes one or more of number of available agents, number of calls holding, estimated hold time, and communication capability data (Beck, col. 7, lines 12-17).

15. Regarding claims 11 and 27, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 9 and 25, including wherein the interaction history records are categorized by product (Beck, col. 7, lines 12-17, Beck teaches clients being able to obtain information on product preferences, meaning that the information is categorized by product).

16. Regarding claims 12 and 28, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 11 and 27, including wherein the interaction history records are further categorized by participating agent (Beck, col. 7, lines 13-15, beck

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teaches the information system server adapted to store and serve information relevant to customers participating, therefore the history records are categorized by participating agents).

17. Regarding claims 13 and 29, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 9 and 25. Beck also teaches keeping a chronological history of all transactions including text-based events (Beck, col. 8, lines 19-25) but does not explicitly state wherein the interaction history records are date and time stamped. However, keeping a chronological history requires using a date/time stamp to keep order of events. Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to use a time/date stamp for all interaction history records to maintain a chronological order of transaction events.

18. Regarding claims 14 and 30, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 1 and 17, including wherein the communication managed by the brokering application comprises status alerts related to client and/or agent states (Beck, col. 7, lines 13-15, Beck teaches the information system server adapted to store and serve information relevant to customers participating, therefore the history records are categorized by participating agents).

19. Regarding claims 15, 16, 31, and 32, Beck and Pepe teach the limitations, substantially as claimed, as described in claims 14 and 30, including wherein the

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communication managed by the brokering application further comprises invitation messages sent by either agents or clients for initiating communication (Beck, col. 6, line 57 through col. 7, line 8, Beck teaches that CINOS is adapted to support email applications, therefore a client can send an invitation message in the form of an email to initiate communication).

Response to Amendment

20. Applicant's arguments and amendments filed on 03 August 2004 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by incorporating new limitations in to independent claim 1 which requires further search and consideration*) to the claims which significantly affected the scope thereof.

21. Applicant's arguments with respect to claims 1 and 17 have been fully considered but they are not persuasive. Applicant's arguments include the failure of previously applied art to expressly disclose the teachings of a providing a client the ability of "accessing or updating the profile data while disconnected from the node in which the profile data resides" [see Applicant's Response, page11]. It is impossible to access data from a node while being disconnected from it. In order for a client to retrieve the data from the node on which it resides, a client must have some form of connection to the node. Otherwise, the client could not update the data residing at the node. It is evident from the mappings found in the above rejection that the combination of Beck

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and Pepe discloses the teaching of accessing data at a node and updating it. Further, it is clear from the numerous teachings (previously and currently cited) that the provision for using "updating profile data" was widely implemented in the networking art.

22. Examiner feels that Applicant should clarify the new limitations added to the independent claims to overcome the prior art used in the rejection as well as the prior art currently cited. After reading Applicant's remarks, Examiner's interpretation of what was meant by the new limitations was somewhere along the lines of "editing data locally before connecting to the communication center to update the communication-center data." Again, it is respectfully requested from Applicant in preparing responses, to fully consider the references (currently and previously cited) in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

23. Applicant only claims a client accessing a communication-center and updating communication center data. By Pepe disclosing a system for personal communications internetworking wherein the user can modify his/her subscriber profile, the combination of Beck and Pepe teaches the claimed invention.

24. Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that Beck and Pepe clearly teach the independent claims of the Applicant's claimed invention.

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25. Applicant's arguments with respect to claims 1 and 17 are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's amendment to the claims, which significantly affected the scope thereof.

26. Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by Beck and Pepe as well as other prior arts of records disclosed, updating profile data is taught as well as other claimed features of Applicant's invention. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

27. It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

28. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

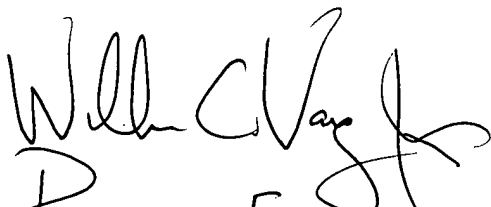
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571)272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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